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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 ANTHONY NAVARRO,

11 Defendant.

Case No. 2:14-cr-00328-KJD-NJK

ORDER

12  
13 Presently before the Court are Defendant's Motion to Proceed *In Forma Pauperis* on  
14 Appeal (#315), Motion for Transcripts at Government's Expense (#316), and Motion to Request  
15 Transcripts Pursuant to FRAP 10 (#317).

16 However, upon consideration, the materials filed in support of his motion to proceed *in*  
17 *forma pauperis*: (1) do not comply with the requirements of Federal Rule of Appellate Procedure  
18 24(a)(1) "Rule 24" or the requirements of 28 U.S.C. § 1915; and (2) fail to show that his appeal  
19 is not frivolous pursuant to 28 U.S.C. § 1915(a)(3).

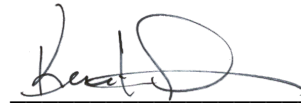
20 First, Rule 24(a)(1)(A) requires Defendant to file in the district court an affidavit that  
21 shows in detail, as prescribed by Form 4, the party's inability to pay or to give security for fees  
22 and costs. Defendant failed to file an affidavit with the specificity required in Form 4. Therefore,  
23 the Court is unable to determine whether Defendant is now indigent and unable to pay fees.  
24 Thus, the Court denies Defendant's motions.

25 Second, in compliance with Rule 24, Defendant's affidavit states that he wishes to raise  
26 issues of ineffective assistance on appeal. This is consistent with his plea agreement in which he  
27 waived all of his appellate rights except non-waivable claims of ineffective assistance of counsel.  
28 See Plea Agreement, Doc. No. 291, p. 11, l. 1-12. However, as a general rule, the court of

1 appeals does not review ineffective assistance of counsel claims on direct appeal. See United  
2 States v. Jeronimo, 398 F.3d 1149, 1155 (9th Cir. 2005). Therefore, the Court finds that the  
3 appeal is frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3).

4 Accordingly, IT IS HEREBY ORDERED that Defendant's Motions (#315/316/317) are  
5 **DENIED.**

6 Dated this 16th day of October, 2018.



Kent J. Dawson  
United States District Judge